

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:05-cr-52

v.

HON. JANET T. NEFF

ARTURO CANTU,

Defendant.

_____ /

MEMORANDUM OPINION AND ORDER

Defendant Arturo Cantu has filed a motion for modification or reduction of sentence (Dkt 70) pursuant to 18 U.S.C. § 3582(c)(2) based on the modification of the Drug Quantity Table with respect to cocaine base (crack cocaine).

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 750 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to cocaine base (crack cocaine), and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2011. U.S.S.G. § 1B1.10(c).

However, the defendant was found ineligible (Dkt 72) because the guideline range at sentencing was determined based on the defendant's status as a career offender. Defendant has filed a response (Dkt 76) and preserves the issue for future consideration should the law change.

Therefore, IT IS HEREBY ORDERED that Defendant's motion for modification of sentence (Dkt 70) pursuant to 18 U.S.C. § 3582(c)(2) is DENIED.

DATED: March 19, 2015

/s/ Janet T. Neff

JANET T. NEFF

United States District Judge